



Environmental Fact Sheet

Joint Motion Requests Interim Standards For Hazardous Waste Combustion Emissions

The Environmental Protection Agency (EPA) and all other litigants filed a joint motion asking the Court to allow EPA to develop interim air emission standards for hazardous waste combustion sources. EPA believes that interim standards will better protect human health and the environment than if the standards are vacated altogether and replaced at a later time. Interim standards also will make compliance easier for the regulated community and implementing states by providing a more orderly transition to final requirements.

On September 30, 1999, EPA issued standards to control emissions of hazardous air pollutants from incinerators, cement kilns, and lightweight aggregate kilns that burn hazardous waste. These standards are based on the performance of Maximum Achievable Control Technology (MACT), and implement section 112 (d) of the Clean Air Act. Among others hazardous air pollutants, the rule regulates emissions of chlorinated dioxin and furans, toxic organic compounds, and mercury.

A number of parties, representing different interests of both industrial sources and of the environmental community, sought judicial review of the rule. On July 24, 2001, the United States Court of Appeals for the District of Columbia Circuit (the Court) granted the Sierra Club's petition for review and vacated the challenged portions of the rule. In its decision, the Court invited EPA, or any of the parties involved, to file a motion with the Court to request either that the current standards remain in place, or that EPA be allowed time to develop interim standards.

On October 19, 2001, EPA, together with all other petitioners that challenged the hazardous waste combustor standards, filed a joint motion asking the Court to allow EPA time to develop interim standards. If the Court grants the parties' request, the Agency will be allowed time to develop interim standards that will be effective until EPA writes final requirements.

The motion states that EPA will issue final standards that fully comply with the Court's opinion by June 14, 2005. Other actions EPA would take are to:

- ! Issue a one-year extension to the current compliance date of September 30, 2002, as soon as possible;
- ! Publish an interim rule with revised emission standards for hazardous air pollutants emitted by combustion sources, by February 14, 2002; and
- ! By the same date, finalize several compliance and implementation amendments to the rule that were proposed on July 3, 2001.

EPA plans to take the actions described in the joint motion provided that: (1) the Court grants the parties' request to stay the mandate; and (2) the Court issues a second order making the June 14, 2005 date judicially enforceable for issuing a final rule that fully complies with the Court's opinion.

For More Information

The joint motion—and other relevant information—can be viewed or downloaded from our Web site: <<http://www.epa.gov/epaoswer/hazwaste/combust/preamble.htm>>. For additional information call the RCRA Call Center at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Copies of these documents can be obtained by writing: RCRA-Docket@epa.gov or RCRA Information Center (RIC), Office of Solid Waste (5305G), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, D.C., 20460-0002.